FREQUENTLY ASKED QUESTIONS REGARDING CHILDREN IN NEED OF PROTECTION OR SERVICES

TEJ LUS UAS TXEEV NUG TSI TSEG TXOG COV MENYUAM UAS YUAV TSUM TAU KEV TIVTHAIV THIAB PABCUAM

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This brochure provides information of a general nature regarding legal matters. None of the information contained in this brochure is intended as legal advice or opinion regarding specific matters or issues. If you are confronted with a situation involving issues discussed in this brochure, you should contact an attorney for legal advice. If you feel that you are unable to pay for an attorney, contact the State of Wisconsin Public Defender (Wausau 715-842-1603) or Judicare (Wausau 715-842-1681).

Phau ntawv no qhia txog kev cai lijchoj. Cov lus hauv phau ntawv no tsi yog tsim los pab tuav tswvyim lossis muab tswvyim txog ib yam dabtsi ntsigtxog kev cai lijchoj. Yog koj ntsib tej yam teebmeem uas hais txog nyob hauv phau ntawv no, koj yuav tsum tau mus nrog kws lijchoj sablaj. Yog koj xav tias koj yuav them tsi taus nqi kws lijchoj, ces hu xovtooj rau Wisconsin Public Defender (xeev Wisconsin lub Rooj Pab Pejxeem Txheem Plaub) hauv Wausau ntawm (715) 842-1603 lossis Judicare (Rooj Pab Pejxeem Has Plaub) hauv Wausau ntawm (715) 842-1681.

{WHITE}

Introduction Lus qhib thawj

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FREQUENTLY ASKED QUESTIONS REGARDING CHIPS PROCEEDINGS TEJ LUS UAS TXEEV NUG TSI TSEG TXOG CHIPS TEJ KABKE

WHAT IS CHIPS OR JIPS? CHIPS LOSSIS JIPS YOG DABTSI?

CHIPS or JIPS are abbreviations or acronyms for the following English phrases "Child In Need of Protection or Services" and "Juvenile In Need of Protection or Services".

CHIPS lossis JIPS yog lus paivtaub rau lo lus uas hais tias "Child In Need of Protection or Services" thiab "Juvenile In Need of Protection or Services".

WHAT IS THE PURPOSE OF CHIPS OR JIPS? CHIPS LOSSIS JIPS LUB HOMPHIAJ YOG LICAS?

The purpose of CHIPS or JIPS law is to give the authority to Wisconsin courts to order that county departments of social services provide protection or other services to children. A petition for CHIPS or JIPS can be filed by lawyers for the county department of social services, or law enforcement, or by lawyers for the parents or guardians of children or by lawyers for children. Under this law, the court has the authority to remove children from the home of their parents, if necessary, and require counseling, education, and supervision for both adults and children.

Lub homphiaj ntawm cov cai lijchoj rau CHIPS lossis JIPS yog tso cai rau tsev txiavtxim hauv Wisconsin hais rau county department of social services los muab kev tivthaiv lossis lwmyam kev pabcuam rau cov menyuam. Cov kws lijchoj hauv county department of social services, rooj tub ceevxwm, lossis kws lijchoj rau niamtxiv lossis tus tsomkwm cov menyuam lossis menyuam tus kws lijchoj muaj cai sau ntawv thov tej kev pabcuam no. Nyob hauv txoj cai no, tsev txiavtxim muaj cai rho menyuam tawm hauv niamtxiv tsev, yog tsimnyog lawm, thiab tseev kom mus koom kev cob ntuas, kev kawm, thiab kev tsomkwm saibxyuas rau cov laus thiab cov menyuam tibsi.

WHAT ARE SOME OF THE REASONS THAT A CHILD CAN BE FOUND IN NEED OF PROTECTION OR SERVICES?

QHO YAM UAS QHIA TAU TIAS TUS MENYUAM YUAV TSUM TAU KEV TIVTHAIV LOSSIS KEV PABCUAM YOG DABTSI?

Specifically, under sec. 48.13 of the Wisconsin Statutes, a child can be found in need of protection or services on the following grounds:

Rawsli xeev Wisconsin Txoj cai (Wisconsin Statues) phaj 48.13 sau hais tias, ib tug menyuam twg yuav tsum tau kev tivthaiv lossis pabcuam yog muaj li no:

- The child is without a parent or guardian.
 Tus menyuam tsi muaj niam/txiv lossis tug tsomkwm.
- 2. The child has been abandoned.

Tug menyuam raug povplob, tsi quavntsej txog.

- 3. The child has been the victim of abuse, including injury which is self-inflicted or inflicted by another.
 - Tus menyuam tau raug tsimtxom, xwsli tau raug mob los ntawm tuskheej lossis lwmtus ua rau nws raug mob.
- 4. The child is at substantial risk of becoming the victim of abuse based on reliable and credible information that another child in the home has been the victim of such abuse.
 - Tus menyuam muaj feem uas yuav raug tsimtxom li tau hnov txog lawm tias twb yeej muai lwmtus menyuam hauv tsev tibneeg raug tsimtxom los lawm.
- 5. The child's parent or guardian signs a petition to the court requesting that the court take action because the parent or guardian is unable or needs assistance to care for the child or provide necessary special treatment or care.
 - Tus menyuam leej niam leej txiv lossis tus tsomkwm tau suamnpe zees ua ntawv thov tsev txiavtxim kom tsev tswj cai nrog saibxyuas vim niamtxiv lossis tus tsomkwm tsi muaj peevxwm lossis yuav tsum tau kev pab tu tus menyuam lossis tsimnyog tau kev pabcuam tshwjxeeb los kho thiab tu tus menyuam.
- 6. The child has been placed for care or adoption in violation of the law.

 Tus menyuam raug tso rau luag saibxyuas lossis raug yuav mus ua tubki yam tsi raws key raws cai.
- 7. The child is receiving inadequate care during a period of time a parent is missing, in jail, hospitalized, or institutionalized.
 - Tus menyuam tsi tau kev saibxyuas tsimnyog rau lub sijhawm uas niamtxiv ploj lawm, raug nyob nkuaj, mus kho mob, lossis raug mus txhim kho lawm.
- 8. The child may sign a petition requesting the court to take action, if the child is at least 12 years old and needs special treatment or care which the parent, guardian, or legal custodian is unwilling, neglecting, unable, or needs assistance to provide.
 - Tus menyuam yuav muaj cai suamnpe rau daim ntawv thov tsev txavtxim kom saibxyuas, yog tias tus menyuam muaj hnubnyoog 12 xyoos lawm thiab yuav tsum tau kev pab tshwjxeeb lossis pab saibxyuas yam uas niamtxiv, tus tsomkwm, lossis tus raug tso cai saibxyuas xwbtim tsi muab, tsi saibxyuas, tsi muaj peevxwm, lossis muaj kev xav tau kev pabcuam.
- 9. The child's parent, guardian, or legal custodian neglects, refuses, or is unable for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.
 - Tus menyuam leej niam leej txiv, tug tsomkwm, lossis tug raug tso cai saibxyuas tsis saibxyuas, tsis kam, lossis tsis muaj peevxwm, uas tsi yog tim txoj kev txomnyem, los pub kev saibxyuas, kev noj haus, khaubncaws hnav, kuab tshuaj lossis tu ncauj

hniav lossis chaw nyob es ua rua tug menyuam tau lub chaw ti rau sab kev nojqab haushuv.

10. The child's parent, guardian, or legal custodian is at substantial risk of neglecting, refusing, or being unable for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child, based on reliable and credible information that the child's parent, guardian, or legal custodian has neglected another child in the home.

Tus menyuam leej niam leej txiv, tus tsomkwm, lossis tus raug tso cai saibxyuas tsi muaj cuabkav yuav saibxyuas, tsis kam, lossis tsi muaj peevxwm uas tsi yog tim txoj kev txomnyem, los saib los tu, pub noj pub haus, khaubncaws hnav, kuab tshuaj lossis tu ncauj hniav, lossis chaw nyob es ua rau tus menyuam tau lub chaw ti rau sab kev nojqab haushuv, rawsli tej lus uas tau hnov lawm tias tus menyuam leej niam leej txiv, tus tsomkwm, lossis tus raug tso cai saibxyuas tau tsis saibxyuas lwmtus menyuam hauv tsev neeg los lawm.

11. The child is suffering from emotional damage which the parent, guardian, or legal custodian has neglected, refused, or been unable, for reasons other than poverty, to obtain necessary treatment or to take necessary steps to ameliorate the symptoms.

Tus menyuam raug kev txhawjxeeb vim niamtxiv, tus tsomkwm, lossis tus raug tso cai saibxyuas tsis ntabntw txog, tsis kam, lossis tsis muaj peevxwm, uas tsi yog tim txoj kev txomnyem, muab kev pab lossis nrhiav hauvkev los kho tej kev txhawjxeeb ntawd.

12. The child is suffering from alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable to provide treatment.

Tus menyuam raug mob los ntawm kev siv dejcaw thiab lwmyam teebmeem yeebtshuaj, qhia pom tias tau siv tshuaj hnyav heev, uas yog niamtxiv, tug tsomkwm, lossis tus raug tsocai saibxyuas tsi quavntsej, tsi kam lossis tsi muaj peevxwm pab kho tau lawm.

13. The child has not been immunized.

Tus menyuam tsi tau mus txhajtshuaj tivthaiv kabmob.

Under §938.13, Wis. Stats., there are other specific grounds for finding a child in need of protection or services as follows:

Hauv xeev Wisconsin txoj cai ss938.13, Wis. Stats., hais meej txog tej cai uas qhia tias tus menyuam yuav tsum tau kev tivthaiv lossis pabcuam li no:

1. The child's parent or guardian may sign a petition requesting that the court provide services because they are unable or need assistance to control the child.

Tus menyuam leej niam leej txiv lossis tus tsomkwm muaj cai sau ntawv thov kom tsev txiavtxim pab vim lawv tsi muaj peevxwm lossis xav tau kev pab tswj tus menyuam.

- The child is habitually truant from school.Tus menyuam xij pheej mus kawmntawv tsi cuag ncua.
- 3. The child is a school dropout.

 Tus menyuam tawm tsi mus kawmntawv lawm.
- 4. The child is habitually truant from home and either the child, parent, or relative in whose home the child resides signs a petition requesting that the court take action to provide services and testifies in court that reconciliation efforts have been attempted and have failed. Tus menyuam tu ncua tsi los tsev thiab tsi hais tus mivnyuas, niamtxiv, lossis tug txheebze uas tus menyuam nrog nyob los xij, suamnpe sau ntawv thov kom tsev txiavtxim cia li pab thiab tau lees lus timkhawv hauv tsev txiavtxim hais tias yeej muaj txhimkho txaus lawm tabsis tseem ua tsi tau li siab xav thiab.
- 5. The child is less than 10 years of age and has committed a delinquent act.

 Tus menyuam muaj noobnyoog yau tshaj 10 xyoo thiab tau ua txhaum cai.
- 6. The child has been determined to be not responsible for a delinquent act by reason of mental disease or defect or has been determined not to be competent to stand trial. Tau pom tias tus menyuam tsi muaj feemxyuam rau tej uas tau ua txhaum cai ntawd vim yog nws zoo tsi tsheej lossis puas cev lossis tsi meej pem rau qhov uas yuav mus hais tau rooj plaub.

CAN AN UNBORN CHILD BE FOUND TO BE IN NEED OF PROTECTION OR SERVICES?

TUS MENYUAM UAS TSI TAU YUG PUAS MUAJ CAI TAU KEV TIVTHAIV LOSSIS PABCUAM?

Yes. Under §48.133, Wis. Stats., the court may find that the expectant mother habitually lacks self-control in the use of alcoholic beverages, controlled substances, or controlled substance analogs, exhibited to a severe degree, to the extent that there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the expectant mother receives prompt and adequate treatment for that habitual lack of self-control.

Muaj. Nyob hauv ss48.133, Wis. Stats., tsev txiavtxim muaj cai yuav pom tias leej niam uas tabtom suabtub muaj tus cwjpwm uas tswj tsis tau tus kheej vim kev siv dejcaw, yeebtshuaj, lossis tej yam uas siv li yeebtshuaj, qhia pom tias tau siv hnyav heev, txog qhov uas pom tau tias yuav tsi zoo rau tus menyuam hauv plab, thiab thaum yug los, yuav tsi zoo rau tus menyuam tsuas tshwj tias leej niam yuav tsum tau kev pab rau qhov uas nws tswj tsis tau tus kheej ntawd.

WHAT IS THE MEANING OF ABUSE? LUB NTSIABLUS NTAWM KEV TSIM YOG LICAS?

Under Wisconsin law, abuse means inflicting a physical injury upon a child by other than accidental means. It also means having improper sexual contact with the child by someone who is responsible for the care of the child. Examples of physical injuries include cuts that bleed, fractured bones, burns, severe or frequent bruising, internal injuries, or other more serious injuries such as those causing a risk of death, permanent disfigurement, or loss of the use of the arm or leg.

Hauv Wisconsin txoj cai, tsimtxom yog kev ua kom raug mob rau tus menyuam uas tsi yog yuam tes yuam taw raug. Nws tseem hais ntxiv tias yog kev tuav kov tus menyuam rau qhov tsi tsimnyog los ntawm tus tibneeg zov menyuam thiab. Tej yam uas qhia tias raug mob lawm yog xwsli to los ntshav, lov txha, kubhnyiab, nqaij dhoog, raug mob hauv nruabnrog cev, lwm yam uas ua rau mob heev xwsli muaj feem ua rau ploj tuag taus, ua rau lub cev puas mus li, lossis ua rau puas tes puas taw.

WHEN DOES DISCIPLINE BECOME CHILD ABUSE? THAUM TWG ES KEV QHUABQHIA THIAJ LI DHAU MUS UA KEV TSIMTXOM?

Physical discipline of a child is permitted in Wisconsin. However, when discipline causes a physical injury to the child as indicated above, it becomes abuse. Generally speaking, punching a child with a fist, striking a child with an object, or kicking a child runs a high risk of causing a physical injury.

Kev xuas nplawm qhuabqhia kuj raug tsocai hauv xeev Wisconsin thiab. Tabsis, thaum uas qhuabqhia ua rau cev nqaij daim tawv raug mob li tau hais saum toj no lawd, nws dhau mus ua kev tsimtxom lawm. Yog hais rau qhov dav, ces kev uas xuas nrig ntaus menyuam, xuas ib yam dabtsi ntaus menyuam, lossis xuas ncawstaw rau menyuam muaj feem uas ua rau menyuam raug mob.

IS IT NEGLECT TO LEAVE A CHILD HOME ALONE? TSO MENYUAM YAUS NYOB TSEV PUAS YOG TSI NTABNTW?

The answer to this question depends on the age of the child or children involved. It can be neglect to leave a child home alone if it is determined that the physical health of the child is seriously endangered.

Qhov no nws nyob ntawm saib tus menyuam muaj pestsawg xyoo. Yuav hais tau tias yog tsi ntabntw menyuam thaum pom tias tso menyuam nyob ib leeg es muaj feem yuav raug mob taus.

WHY CAN A CHILD BE FOUND IN NEED OF PROTECTION OR SERVICES BECAUSE HE OR SHE DOES NOT GO TO SCHOOL?

VIM LICAS THIAJ HAIS TIAS TUS MENYUAM YUAV TSUM TAU KEV TIVTHAIV LOSSIS PABCUAM RAU QHOV UAS NWS TSI MUS KAWMNTAWV?

Under Wisconsin law, parents are responsible for seeing to it that the children attend school until they are 18 years old. If a child is not in school, a court may place a child outside of the parental home with people who will see to it that school attendance is enforced.

Hauv Wisconsin txoj cai, niamtxiv muaj feemxyuam saibxyuas menyuam mus kawmntawv txog thaum lawv muaj hnubnyoog 18 xyoo. Yog menyuam tsi mus kawmntawv, tsev txiavtxim yuav rho tus menyuam tawm hauv niamtxiv tsev mus nrog lwmtus uas yuav hais tau nws mus kawmntawv nyob.

WHAT IS THE DIFFERENCE BETWEEN CHIPS, JIPS, AND A DELINQUENCY CASE?

CHIPS, JIPS, THIAB DELINQUENCY CASE (COV MENYUAM UA YUAM CAI) TXAWV LICAS?

CHIPS and JIPS are designed for the purpose of protecting children from abuse and neglect and to provide services to children with special needs. Delinquency cases seek, in some measure, to punish a child for committing a crime, to provide restitution for victims, and to provide services and supervision to the child to prevent the criminal behavior from happening again.

CHIPS thiab JIPS yog npaj los tivthaiv menyuam kom txhob raug tsimtxom thiab tsi ntabntw txog thiab muab kev pabcuam rau cov uas yuav tsum tau kev pab tshwjxeeb. Txoj cai ho yuav teemtxim rau tus menyuam uas mus ua txhaum cai, ua li no los txhaws cov uas raug puamtshuaj (victim) ntawd, thiab pub kev pabcuam thiab tsomkwm rau tus menyuam kom txhob mus ua txhaum ntxiv lawm.

WHAT ARE THE OPTIONS AVAILABLE TO THE COURT IF A CHILD IS FOUND IN NEED OF PROTECTION OR SERVICES?

TSEV TSWJ CAI YUAV UA CAS YOG POM TIAS MUAJ IB TUS MENYUAM TWG YUAV TSUM TAU KEV TIVTHAIV LOSSIS PABCUAM?

The court has several options. If the court finds that the parents can learn how to properly care for their child, the court can leave the child in the parental home. If the court finds that the parents are unlikely to cooperate with the department of social services, the court can remove the child from the parental home. If a child is placed outside of the parental home, the child can be placed with relatives, in foster care, treatment foster care, or residential treatment. Regardless of where the child is placed, the court can order children and adults to comply with an assessment for mental illness or drug or alcohol dependency. The court can order parents and children to meet with counselors and comply with a mental health or drug and alcohol treatment program. The court can order parents to attend educational classes about proper child care. The court can order parents and children to cooperate with social workers and parent aides who visit the

parents' home to observe and demonstrate proper child caring techniques. If the child is placed outside the home, the court will usually permit parents to visit the child under supervision by the department of social services.

Tsev txiavtxim muaj cov hauvkev li no. Yog tsev txiavtxim pom tias niamtxiv muaj peevxwm cob tus menyuam, lawv yuav cia menyuam nyob hauv niamtxiv tsev. Yog tsev txiavtxim pom tias niamtxiv yuav tsi koomtes nrog social services, lawv yuav rho tus menyuam tawm hauv niamtxiv tsev mus. Yog muaj ib tus menyuam twg raug rho tawm hauv niamtxiv tsev lawd, tus menyuam muaj cai nrog cov txheebze nyob tau, nrog niamtxiv qhuav nyob, nyob hauv cov tsev niamtxiv qhuav uas txhim kho menyuam, lossis nyob hauv tej tsev txhim kho menyuam. Tus menyuam yuav nyob qhovtwg los xij, tsev txiavtxim muaj cai hais kom cov menyuam thiab cov laus ua raws li tej kabke kev ntsuamxyuas txog kev mob tsi meejpem lossis kev siv yeebtshuaj lossis dejcaw. Tsev txiavtxim muaj cai hais kom niamtxiv thiab menyuam mus ntsib kws cob ntuas thiab ua raws li cov txheejtxheem pab kho txoj kev xav lossis thum yeebtshuaj thiab dejcaw. Tsev txiavtxim muaj cai hais kom niamtxiv mus kawm txog kev tu menyuam. Tsev txiavtxim muaj cai hais kom niamtxiv thiab menyuam koomtes nrog rau social worker thiab tug pab niamtxiv uas pheej tuaj rau hauv tsev tuaj pab saibxyuas thiab qhia txog kev tu menyuam. Yog tus menyuam raug rho tawm hauv niamtxiv tsev, tsev txiavtxim yuav tsocai rau niamtxiv mus saib tus menyuam uas muaj department of social services ua tus coj.

IF A CHILD IS REMOVED FROM THE PARENTAL HOME, WILL THE CHILD BE RETURNED?

YOG TUS MENYUAM RAUG RHO TAWM HAUV NIAMTXIV TSEV, NWS PUAS YUAV TAU ROV LOS TSEV?

Wisconsin law requires that if a child is placed outside of a parental home, the court must set conditions for the parents and child to meet in order that the child be returned. Those conditions are cooperation with the kinds of services listed above. If the conditions are met, the court will order that the child be returned home.

Wisconsin txoj cai tseev kom yog muaj ib tus menyuam raug rho tawm hauv niamtxiv tsev, tsev txiavtxim yuav tsum teeb qauv tseg rau niamtxiv thiab menyuam sibntsib hais txog qhov uas tug menyuam tau rov los tsev. Cov ntawd yog muaj li uas tau hais los saum toj no lawm. Yog ua tau raws li hais lawd, tsev txiavtxim yuav hais kom coj tus menyuam rov los tsev.

WHAT HAPPENS IF THE CONDITIONS ARE NOT MET? YUAV UA LICAS YOG UA TSIS TAU LI HAIS TSEG LAWD?

US law requires that a petition for permanent termination of parental rights be filed with the court if a child has been placed outside of the parental home for 15 of the previous 22 months and conditions for return home have not been met.

Txoj cai tseev kom niamtxiv sau ib daim ntawv tso tseg txoj cai ua leej niam leej txiv khaws tseg rau hauv tsev tswj cai yog tias tus menyuam twb raug rho tawm hauv niamtxiv tsev li 15 lub hlis ntawm 22 lub hlis dhau los lawd, thiab tsi ua raws li tej lus khom tseg txog qhov uas tso menyuam rov mus tsev ntawd.

IN A CHIPS OR JIPS CASE, WHO IS ENTITLED TO AN ATTORNEY? NYOB HAUV CHIPS LOSSIS JIPS, LEEJTWG MUAJ CAI TAU KWS LIJCHOJ?

In a CHIPS or JIPS case, the Marathon County Department of Social Services is represented by attorneys from the Office of Corporation Counsel or the District Attorney. If the child is less than 14 years of age, the child will be appointed an attorney called a guardian ad litem. It is the job of a guardian ad litem to advocate for the best interests of the child. If the child is older than 14, the child is entitled to an attorney to represent the wishes of the child. The Public Defender provides attorneys to represent the wishes of the child regardless of the income of the parents. Parents, guardians, or legal custodians are entitled to be represented by an attorney. However, they are not necessarily entitled to an attorney at public expense. The Public Defender's Office will not provide attorneys for parents, guardians, or legal custodians, in CHIPS or JIPS actions. If the court finds the parent, guardian, or legal custodian is unable to pay for an attorney, the court may appoint an attorney at county expense. However, the parent will usually be responsible for repaying the county for that attorney.

Nyob hauv CHIPS Iossis JIPS, Marathon County Department of Social Services raug sawvcev los ntawm tus kws lijchoj uas tuaj hauv Office of Corporation Counsel lossis tus Tswj Rooj Nias Cai (District Attorney). Yog tus menyuam muaj hnubnyoog yau tshaj 14 xyoos, luag yuav taw ib tug kws lijchoj los sawvcev nws uas hu ua guardian ad litem (ib tug kws lijchoj sawvcev cov menyuam yaus). Nws yog tus kws lijchoj no tes haujlwm los pab nrhiav qhov uas yuav zoo rau tus menyuam. Yog tus menyuam laus tshaj 14 xyoos, nws muaj cai tau ib tug kws lijchoj los sawvcev nws tuskheej li nwg siab xav. Rooj kws lijchoj Public Defender tso tau kws lijchoj los sawvcev tus menyuam yam uas yuav tsi hais txog niamtxiv tej nyiaj txiag. Niamtxiv, tus tsomkwm, lossis tus raug tso cai los tsomkwm menyuam muaj feem uas tau ib tug kws lijchoj thiab. Tabsis lawv tsi cheemtsum tau ib tug kws lijchoj dawb. Public Defender's Office yuav tsis pab kws lijchoj rau niamtxiv, tus tsomkwm, lossis tus raug tso cai los tsomkwm menyuam, thaum hais txog CHIPS lossis JIPS cov haujlwm. Yog tsev txiavtxim pom tias niamtxiv, tus raug tsomkwm, lossis tus raug tso cai tsomkwm menyuam tsi muaj peevxwm them taus nqi kws lijchoj, tsev txiavtxim muaj cai taw ib tug kws lijchoj uas raug county them los pab. Tabsis, niamtxiv txeev yuav tau raug them kws lijchoj li nqe rov rau county.

